

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HP TUNERS, LLC,) CASE NO. 3:18-cv-00527-LRH-WGC
Plaintiff,)
vs.)
)
) MINUTES OF PROCEEDINGS
KENNETH CNNATA,)
)
Defendant.)
) DATED: July 22, 2021
)

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KAREN WALKER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): Andrew Bleiman, Esq.

COUNSEL FOR DEFENDANT(S): Bart Larsen, Esq. and Kyle Wyant, Esq.

MINUTES OF PROCEEDINGS: VIDEO MOTION HEARING

10:43 a.m. Court convenes.

The court hold today's hearing regarding Plaintiff's Motion for Sanctions (ECF No. 110), Defendant's Response (ECF No. 115), Plaintiff's Reply (ECF No. 117), and Supplemental Briefs (ECF Nos. 136 and 137).

The court notes it is familiar with the briefing regarding Plaintiff's HP Tuners' Motion for Sanctions (ECF No. 110) which is predicated upon to Fed. R. Civ. P. 11 and 28 U.S.C. § 1927, the court's inherent power to sanction, Fed. R. Civ. P. 37(c)(1) and (c)(2).

The court expresses its concern regarding Plaintiff's request for sanctions based upon Fed. R. Civ. P. 11 and 28 U.S.C. § 1927 as being appropriately made against Mr. Larsen and is

inclined to deny that aspect of Plaintiff's Motion for Sanctions (ECF No. 110). Mr. Bleiman makes no argument and will defer to the court's evaluation and decision.

The court discusses Plaintiff's theory regarding the court's inherent sanctioning power and advises that a magistrate judge does not have such authority to enter judgment as that authority lies with the district judge. A report and recommendation to that effect would be required, and the court is not inclined, under the court's inherent sanctioning power, to grant such relief.

The court advises that the component of Plaintiff's motion requesting sanctions pursuant to Fed. R. Civ. P. 37 (c)(2) will be denied without prejudice because it is premature.

The court turns to the last component of Plaintiff's Motion for Sanction (ECF No. 110). The court questions the basis for sanctions pursuant to Fed. R. Civ. P. 37 (c)(1) and hears arguments from counsel.

After hearing from counsel, the court takes Plaintiff's Motion for Sanctions (ECF No. 110) under advisement. The parties are advised that a written order will be entered shortly and there is no obligation to file an objection, if the parties choose to do so, until such written order is entered.

There being no additional matters to address at this time, court adjourns at 12:09 p.m.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: _____/s/
Deputy Clerk